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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,048	07/09/2004	Hirotake Nozaki	120335	1655
25944 7590 08/18/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
BEMBEN, RICHARD M				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,048

Applicant(s)

NOZAKI ET AL.

Examiner

RICHARD M. BEMBEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 14, 15, 18, 30, 45, 46, 48, 49 and 54-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 14, 15, 30, 46, 48, 49, 54-56 and 58-61 is/are allowed.
- 6) ☒ Claim(s) 18, 45 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 18 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 26 May 2009, with respect to claim 46 have been fully considered and are persuasive. The previous rejection (in non-final Office Action dated 23 December 2008) of claim 46 has been withdrawn.
3. Applicant argues that "a memory with a writing prohibition setting is not equivalent to a memory that limits a number of overwrites". Examiner disagrees. If a memory prohibits writing, then the memory limits the number of overwrites to zero.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 18, 45 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2007/0109427 A1 filed by Satoh et al., hereinafter Satoh.**

Regarding **claim 18**, Satoh discloses a digital camera comprising:

an insertion port into which a storage medium is inserted ([0271], Figure 36, "Card I/F 111",);

an imaging device ([0269] and Figure 36);

a controller that stores an image taken by the imaging device in the storage medium inserted into the insertion port ([0269] and Figure 36, "controller 110"; [0269]: "controller 110" controls the individual control elements of the "DSC 120");

a medium detector that detects if the storage medium inserted into the insertion port is a storage medium limiting a number of overwrite ([0371]: "This process is the same check as in the process in the step S372 shown in FIG. 83 and serves as a *write protection check process*");

a delete instruction device that deletes an image stored in the storage medium ([0269], [0365] and Figure 36, "system controller 110" and "operation switches 114a-114f");;

and a pre-announcement information display device ([0272] and Figure 36, "display 113") that displays pre-announcement information on an image deletion to be performed by the delete instruction device when the medium detector detects that the storage medium limiting a number of overwrite is inserted into insertion port, wherein the pre-announcement information display device displays a notice notifying that deletion of an image by the delete instruction device cannot get an increase in storage capacity of the storage medium ([0371]: "If it is impossible to erase, an error display (see FIG. 84) is made on the display 113 or monitor (step S408)". This "error display" inherently gives notification that deletion of the image data cannot get an increase in

memory capacity, because deletion is not possible. This claim does not require deletion to be possible or to be performed.) .

Regarding **claim 45**, Satoh discloses an image storage apparatus comprising:

a connecting device that connects to a storage medium recording image data ([0271], Figure 36, "Card I/F 111",);

a delete instruction device that instructs so as to delete image data recorded in the storage medium connected to the connecting device ([0269], [0365] and Figure 36, "system controller 110" and "operation switches 114a-114f");

a medium detector that detects if the storage medium connected to the connecting device is a storage medium limiting a number of overwrite ([0371]: "This process is the same check as in the process in the step S372 shown in FIG. 83 and serves as a *write protection check process*";) and

a notification device that notifies that deletion of the image data cannot get an increase in memory capacity when the medium detector detects that the storage medium limiting a number of overwrite is connected to the connecting device ([0371]: "If it is impossible to erase, an error display (see FIG. 84) is made on the display 113 or monitor (step S408)". This "error display" inherently gives notification that deletion of the image data cannot get an increase in memory capacity, because deletion is not possible. This claim does not require deletion to be possible or to be performed.)

Regarding **claim 57**, refer to the rejection of claim 18 above.

Allowable Subject Matter

6. Claims 11, 14, 15, 30, 46, 48, 49, 54-56 and 58-61 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 11 and 54, Examiner could not find prior art disclosing the claim limitation: "when the medium detector detects that the storage medium limiting a number of overwrite is inserted into the insertion portion, the display change processing device changes a display of the display device so as not to display the delete disable release instruction".

Regarding claims 15 and 55, Examiner could not find prior art disclosing the claim limitation: "when the medium detector detects that the storage medium limiting a number of overwrite is inserted into the insertion port and also deletion of the image is instructed by the delete instruction device, the delete method change processing device creates new data management information showing a state in which image data corresponding to image data for which deletion of the storage medium limiting a number of overwrite is instructed and management information which does not allow writing in an area that has been once recorded, and records the data management information and the management information in the storage medium limiting a number of overwrite, and invalidates data management information that existed prior to the deletion instruction".

Regarding claims 30 and 58, Examiner could not find prior art disclosing the claim limitation: "when the capacity detector detects that the storage medium limiting a

number of overwrite has memory residual capacity not enough to record new data management information in the storage medium limiting a number of overwrite, the delete instruction device instructs so as to nullify the image data area"

Regarding claims 46 and 59, Examiner could not find prior art disclosing the claim limitation: "when the medium detector detects that the storage medium limiting a number of overwrite is connected to the connecting device, the delete control device halts automatic deletion of the image data after storage thereof".

Regarding claims 49 and 61, Examiner could not find prior art disclosing the claim limitation: "a step of halting automatic deletion of the data file after storage thereof when it is detected that the storage medium limiting a number of overwrite is connected to the connecting device".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMB

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622